

REMARKS / ARGUMENTS

Claims 92-95 are pending in this application.

Claims 92-95 were objected to as being directed to non-statutory matter in that claim 92 positively recites tissue which is non-statutory subject matter. Claims 92-95 were also objected to as being indefinite. Claim 92 has been amended in the manner suggested by the Examiner to obviate these objections and Applicant appreciates the Examiner's suggestion regarding the objections.

Claims 92-95 were rejected as being obvious over Acker. Claims 92-95 were also rejected as being obvious over Jenkins in view of Sanghvi.

Discussion

Amended independent claim 92 is allowable over Acker since Acker does not disclose or suggest first, second and third ablating elements which each emit focused ultrasound having a focal length of 2-20 mm and a focal angle of 10-170 degrees and each also having "a curved transducer with a generally cylindrical shape defined by the focal length and the focal angle, the curved transducer producing cylindrically focused ultrasound energy having the focal length and the focal angle." Referring to Fig. 13 of Acker, for example, Acker discloses two flat transducers 226, 227 which are tilted to focus the ultrasound energy. A bendable fold 230 is provided so that the angle between the transducers 226, 227 may be varied to vary the position of the focal region. Thus, Acker clearly fails to disclose or suggest the curved transducer recited in claim 92.

Amended independent claim 92 is also allowable over Jenkins in view of Sanghvi for essentially the same reason that claim 92 distinguishes over Acker, namely, that Jenkins and Sanghvi fail to disclose or suggest the three ablating elements each having a curved transducer with dimensions defined by the claimed focal lengths and

angles. Nowhere do Jenkins and Sanghvi disclose or suggest three ultrasound transducers having the claimed characteristics and dimensions.

Amended independent claim 92 is also allowable over Jenkins in view of Sanghvi since Jenkins is directed to a catheter having a loop structure which directs energy radially outward rather than "inward relative to the loop structure" as claimed. Thus, even if it would have been obvious to provide Jenkins with the ultrasound elements of Sanghvi, which Applicant submits it would not, the resulting catheter would have ultrasound elements directing focused ultrasound radially outward rather than radially inward since Jenkins and Sanghvi are both concerned with providing endovascular or endoluminal approaches. As such, Applicants submit that claim 92 is allowable over Jenkins in view of Sanghvi.

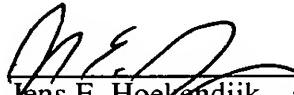
Dependent claims 93-95 are allowable since they depend from allowable independent claim 92 and because they recite independently patentable features.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

May 18, 2004
Date



Jens E. Hoekendijk
Reg. No. 37,149

Jens E. Hoekendijk
P.O. Box 4787
Burlingame, CA 94011-4787
Tel.: 415-412-3322
Fax: 650-871-7688